

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Peyravian et al.

Serial No.: 09/458,928

Filed: December 10, 1999

For: **TIME STAMPING METHOD USING AGED
TIME STAMP RECEIPTS**

Attorney's Docket No: 4541-002

Patent Pending

Group Art Unit: 2135


Confirmation No.: 9487

Cary, North Carolina

VIA FACSIMILE 571-273-3847

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Beemnet Dada, 571-273-3847, on June 16, 2005.


Laura Wade**SUMMARY OF TELEPHONIC INTERVIEW OF JUNE 13, 2005 AND SUBMISSION OF****TERMINAL DISCLAIMER**

Sir:

This paper is being filed in response to the telephonic interview conducted on June 13, 2005 between Examiner Dada and Counsel for Applicant. In light of the remarks below and the Terminal Disclaimer being submitted concurrently herewith, Applicants respectfully request allowance of all pending claims. The Commissioner is hereby authorized to charge the requisite fee for the Terminal Disclaimer to IBM's Deposit Account 09-0461.

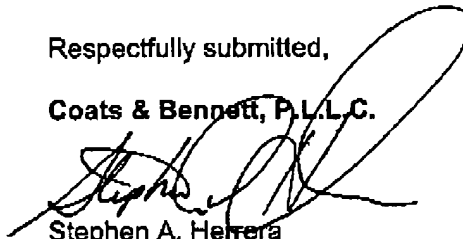
REMARKS

Counsel for Applicants first wishes to thank Examiner Dada for the telephonic interview on June 13, 2005. During that interview, Examiner Dada stated that all pending claims 1-26 in the instant application would be allowed in light of the appeal brief filed April 11, 2005. However, the Examiner also stated that the Office would provisionally reject claims 1-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over co-pending U.S. Application Serial No. 09/459,187. The Examiner stated that a Notice of Allowance would be issued provided Applicants filed a Terminal Disclaimer to obviate the obviousness-type double patenting rejection. Accordingly, Applicants respectfully submit the Terminal Disclaimer, and respectfully requests allowance of all pending claims.

Respectfully submitted,

Coats & Bennett, P.L.L.C.

By:



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Laura Wade

TERMINAL DISCLAIMER

Sir:

Applicants submit the following Terminal Disclaimer of claims 1-26 in the instant application over co-pending U.S. Application Serial No. 09/459,187.

4541-002
09/458,928

The owner, IBM Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S. C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of co-pending U.S. Application Serial No. 09/459,187. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term and defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



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Dated: June 16, 2005

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